

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00048

Daniel McCormick,
Plaintiff,

v.

Sheriff Castaloo et al.,
Defendants.

Before BARKER, *District Judge*

ORDER

Before the court are the findings of fact and recommendation of United States Magistrate Judge K. Nicole Mitchell regarding plaintiff's civil rights lawsuit complaining of the opening of his mail by jail staff at the Wood County Jail.

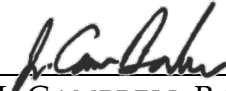
Having conducted a proceeding in the form and manner prescribed by 28 U.S.C. § 636(b)(1) and (3), the magistrate judge recommended that the lawsuit be dismissed without prejudice for failure to prosecute. Doc. 11. A copy of this report was sent to the plaintiff at his last known address on October 17, 2019, but was returned as undeliverable. Doc. 12. Since that date, no objections have been received, nor has plaintiff contacted the court in any way. Plaintiff is therefore barred from appealing the factual findings and legal conclusions of the magistrate judge which are accepted and adopted by the district court except upon grounds of clear error. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc) (cleaned up).

Upon review, the court finds no clear error. Accordingly, the findings of fact and recommendation of the magistrate judge (Doc. 11) are hereby **adopted**.

It is therefore **ordered** that the above-styled civil action is **dismissed without prejudice** for failure to prosecute. Any

motions which may be pending in this civil action are hereby **denied.**

So ordered by the court on December 12, 2019.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge